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Attorney Docket No. 4853.0068-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CT 25 LENTER 1600 25 LENTER 1600

Assistant Commissioner for Patents Washington, DC 20231

PROTEIN AND DNA ENCODING THE SAME

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

Each document listed on the attached Form PTO 1449 was cited in a communication in a counterpart European Patent Application and this Information Disclosure Statement is being filed within three months of the mailing date printed on that communication. Applicants submit a copy of this communication and the listed documents. Applicants respectfully request that the Examiner consider the documents and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: October 25, 2001

Suite many L

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INFORMATION DISCLOSURE CITATION

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Atty. Docket No.	48	353.0068-00	Serial No. 09/832,189			<u>o</u> c:	
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Examiner		Date Considered
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Form PTO 14	149	Patent and Trademark Office - U.S. Department of Commerce

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